

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

UNITED STATES OF AMERICA)	CR. NO. <u>2:23-cr-667</u>
)	
v.)	18 U.S.C. § 371
)	
SHAWN RUSTIN)	INFORMATION

THE U.S. ATTORNEY CHARGES:

COUNT 1

BACKGROUND

At all times relevant to this Information:

1. Hoover Mitsubishi of Charleston, LLC (Hoover Mitsubishi)¹ was a car dealership specializing in the sale of new Mitsubishi vehicles and used cars in Charleston, South Carolina owned by Mark Hoover. According to the South Carolina Secretary of State business filings, Hoover Mitsubishi was a limited liability company registered to Mark R. Hoover, address 2250 Savannah Highway, Charleston, South Carolina 29414.

2. In or about 2013, Mark Hoover hired the Defendant, SHAWN RUSTIN, to be the General Manager of Hoover Mitsubishi. In this role, SHAWN RUSTIN supervised the Sales and Finance Managers at the dealership. SHAWN RUSTIN remained General Manager of Hoover Mitsubishi until he was terminated from his position in or around August 2018.

3. In or around August 2013, SHAWN RUSTIN hired an individual known to the United States Attorney to be the General Sales Manager of Hoover Mitsubishi. This individual

¹ Upon information and belief, Hoover Mitsubishi is now operating under the name CarFare Charleston, LLC.

remained General Sales Manager of Hoover Mitsubishi until in or around November 2018.

4. From in or around September 2013 until in or around July 2015, Kentrell Davis worked as a salesman for Hoover Mitsubishi. In or around November 2015, SHAWN RUSTIN and an individual known to the United States Attorney hired Kentrell Davis to be the Finance Manager for Hoover Mitsubishi. As the Finance Manager for Hoover Mitsubishi, it was Kentrell Davis responsibility to coordinate all of the financing for customers. In addition, Davis generated contracts for vehicle sales, ensured that any deals got funded through the lending institution, and offered/sold warranty packages to customers. Kentrell Davis remained Finance Manager of Hoover Mitsubishi until he was terminated from his position in or around July 2018.

5. Santander, Capital One Auto Finance, Regional Acceptance, Crescent Bank, Ally Financial, TD Auto Finance, and several other lending institutions who financed Hoover Mitsubishi vehicle purchases, were financial institutions, as defined in Title 18, United States Code, Section 20.

THE CONSPIRACY

6. Beginning in or around August 2013, and continuing through in or around April 2018 (“the relevant time period”), in the District of South Carolina, the Defendant, SHAWN RUSTIN, and others known and unknown to the United States Attorney, knowingly and intentionally combined, conspired, confederated, agreed, and had a tacit understanding to confederate with each other to commit offenses against the United States, specifically:

- a. the offense of wire fraud, and wire fraud affecting a financial institution: that is, to devise a scheme and artifice to defraud and to transmit and cause to be transmitted by means of wire communication in interstate commerce signals, signs, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code,

Section 1343;

b. the offense of bank fraud: that is, to devise a scheme and artifice (1) to defraud a financial institution; and (2) to obtain any moneys, funds, credits, assets, securities, or other property owned by or under the control of a financial institution, by means of false or fraudulent pretenses, representations, or promises, in violation of, in violation of Title 18, United States Code, Section 1344; and

c. the offense of knowingly making a false statement to a financial institution, for the purpose of influencing any action of that financial institution, in connection with a loan application, in violation of Title 18, United States Code, Section 1014.

OBJECT OF THE CONSPIRACY

7. The principal object of the conspiracy was to defraud lenders, including several federally insured financial institutions, through the submission of fraudulent automobile loan applications, to obtain money owned by or under the control of these financial institutions, and thereby increase Hoover Mitsubishi's sales and profits.

MANNER AND MEANS OF THE CONSPIRACY

8. It was part of the conspiracy that SHAWN RUSTIN and other members of the conspiracy, both known and unknown:

a. Falsified down payment receipts, bank statements, paycheck stubs, proof of residency, utility bills, and other documents, with the purpose of influencing financial institutions in connection with loan applications to finance vehicles sold by the dealership to customers.

b. Generated two sales contracts for vehicle sales to customers: (1) a fraudulent

contract submitted to the lender / financial institution, and (2) an accurate contract that was kept in the dealership's files. These fraudulent contracts included false statements designed to make a customer appear more creditworthy, which were made for the purpose of influencing the financial institution in connection with a loan application to finance vehicles sold by the dealership. These fraudulent contracts included one of two types of false statements designed to make a customer appear more creditworthy:

- i. a phantom trade-in vehicle, that is, an entry on the sales contract listing a trade-in vehicle that the customer never traded in to the dealership;
- ii. a manufacturer's rebate falsely listed as a cash down payment made by the customer.

OVERT ACTS

9. In furtherance of the conspiracy and to effect the object of the conspiracy, the following overt acts, among others, were committed in the District of South Carolina:

- a. During the relevant time period, SHAWN RUSTIN and other co-conspirators knowingly submitted and caused to be submitted numerous sales contracts containing false statements to various financial institutions, in connection with loan applications to obtain financing for vehicles sold by Hoover Mitsubishi, as further detailed in paragraph 3 of this indictment.

All in violation of Title 18, United States Code, Section 371.

FORFEITURE

CONSPIRACY:

Upon conviction to violate Title 18, United States Code, Section 371 (conspiracy to violate 18 U.S.C. §§ 1014, 1343, and 1344) as charged in this Information, the Defendant, SHAWN RUSTIN, shall forfeit to the United States any property, real or personal, which constitutes, is traceable, or is derived from any proceeds the Defendant obtained, directly or indirectly, as the result of such violation.

PROPERTY:

Pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), the property which is subject to forfeiture for the violation charged in this Information includes, but is not limited to, the following:

Cash Proceeds / Forfeiture Judgment:

A sum of money equal to all proceeds the Defendant obtained directly or indirectly as the result of the offense charged in this Information, or traceable to such property, and all interest and proceeds traceable thereto.

SUBSTITUTE ASSETS:

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the Defendant-

- A. Cannot be located upon the exercise of due diligence;
- B. Has been transferred or sold to, or deposited with, a third person;
- C. Has been placed beyond the jurisdiction of the court;
- D. Has been substantially diminished in value; or
- E. Has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 18, United States Code, Section 982(b)(1), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property

of the Defendants up to the value of the forfeitable property.

Pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

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